

STEN, S.  
PART 2IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORKBENIHANA, INC., as successor to  
BENIHANA NATIONAL CORP.,

Petitioner,

v.

BENIHANA OF TOKYO, LLC, as  
successor  
to BENIHANA OF TOKYO, INC.

Respondent.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: <u>2/7/14</u>

Civil Action No. 14cv0792(ua)**ORDER TO SHOW CAUSE FOR PRELIMINARY INJUNCTION**

Upon the annexed Petition for a Preliminary Injunction in Aid of Arbitration, Memorandum in Support of Benihana, Inc.'s Petition for a Preliminary Injunction in Aid of Arbitration, and Declaration of Nicole Gueron, together with all exhibits and attachments thereto, and all pleadings had herein, it is hereby:

ORDERED, that the above-named Respondent, Benihana of Tokyo, LLC ("Respondent" or "BOT"), show cause before this Court, in Courtroom 23A of the United States Courthouse, 500 Pearl Street, in the City, County, and State of New York, on February 26, 2014, at 9:30 o'clock in the A.m. thereof, or as soon thereafter as counsel may be heard, why a preliminary injunction should not be issued pursuant to Rule 65 of the Federal Rules of Civil Procedure and Section 7502(c) of the New York Civil Practice Law and Rules enjoining Respondent as follows:

- (1) from selling hamburgers or other unauthorized food items on the premises of the BENIHANA® restaurant it operates in Hawaii pursuant to the License Agreement, or using or publishing advertisements, publicity, signs, decorations, furnishings, equipment, or other matter employing in any way whatsoever the words "Benihana," "Benihana of Tokyo," or the "flower" symbol that have not been approved in accordance with Article 5.2 of the License Agreement; and

(2) from arguing to the arbitration panel that it be permitted to cure any defaults after the arbitrators rules that Respondent breached the License Agreement.

✓ It is FURTHER ORDERED that security in the amount of \$ \_\_\_\_\_ shall be posted by the Petitioner prior to \_\_\_\_\_, 2014, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ a.m. *Respondent shall respond on or before February 18, reply by petition by Feb 21*  
It is FURTHER ORDERED that this Order to Show Cause, together with the papers on

✓ which it was granted, shall be deemed good and sufficient service if made by personal delivery or electronic mail on Respondent's counsel on or before February 10, 2014, at 5 o'clock in the A.m.

✓ SO ORDERED

UNITED STATES DISTRICT JUDGE

✓ Dated: New York, New York  
February 7, 2014